



City of Fitchburg
Planning/Zoning Department
5520 Lacy Road
Fitchburg, WI 53711 (608-270-4200)

SMARTCODE ADMINISTRATIVE WAIVER APPLICATION

Location of Property:

Street Address: 2653 S. Syene Road (parcels 0609-142-8280-5 and 0609-142-8003-2)

Legal Description - (Metes & Bounds, or Lot No. And Plat): See attached.

Waiver
#1

Administrative Waiver Details:

1. Administrative Waiver Application shall be submitted concurrent with a SmartCode Rezoning Application, a Regulating Plan Application or Site/Building Plan Application.
2. All documentation, including maps, text, drawings and statistical data that the applicant wishes to be considered in support of their Waiver(s) should be submitted with this application.

Administrative Waiver Checklist:

- ☒ 1. Describe each specific Waiver requested, including citation of the provision from Chapter 23 SmartCode District, clearly noting what was required by the Code, what is proposed and the difference.
- ☒ 2. Describe why each Waiver is requested. Why can the current regulations not be met?
- ☒ 3. Describe any mitigation strategies to offset the effect of the relief requested.

The preceding information is considered to be the minimum information for submission, and the Zoning Administrator may require additional information for review.

Current Owner(s) of Property: Goldleaf Fitchburg LLC, Contact: Mike Filkowski

Address: 2379 University Ave., Madison, WI 53726 **Phone No.:** 608-234-8141

Contact Person: Suzanne Vincent, Vierbicher Assoc. **E-mail:** svin@vierbicher.com

Address: 999 Fourier Dr., Suite 201, Madison, WI 53717 **Phone No.:** 608-821-3963

Respectfully Submitted By: _____ **Date:** _____

Owner's or Authorized Agent's Signature

*(If multiple owners, application shall include statement of consent by all property owners)

PLEASE NOTE – Applicants shall be responsible for legal or outside consultant costs incurred by the City. It is the responsibility of the owner/applicant to insure compliance with all local and state requirements.

FOR CITY USE ONLY

Date Received: 3/5/2014

Comments: _____

APPROVED
AI 3-18-14

1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

North Park Neighborhood Article 3 Administrative Waiver Request

Waiver #1 – Page 2 of Article 3 Document

1. *Waiver requested:* Unmatched transect zones exceeding 15% in T3 and T4 zones, per sec. 3.4.3. The unmatched T3 zone shown on our plans is 39.8%; the unmatched T4 zone is 16.6%, for a difference of 24.8% and 1.6%, respectively.
2. *Reason for request:* This waiver is being requested due to the nature of the small site. The unmatched transect zones on opposite sides of the proposed street network are necessary to transition the neighborhood from the higher-density T5 zone concentrated at the northeast corner of the site to the existing single-family development.
3. *Mitigation strategies:* Civic space was placed to try to reduce the amount of unmatched transect zones.



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Waiver
#2

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APPROVED

AI 3-18-14

Conditions

Comments:

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North Park Neighborhood

Article 3 Administrative Waiver Request

Waiver #2 – Page 4 of Article 3 Document

1. *Waiver requested:* The applicant shall covenant to construct a Meeting Hall or Third Place within one block of the Main Civic Space of each Community Unit, per 3.5.4a. We propose no Meeting Hall or Third Place be covenanted to be constructed.
2. *Reason for request:* There are several reasons for the request:
 - a. The neighborhood is small in size (just over 35 acres), which may not be of sufficient size to support a "Third Place."
 - b. The City's plans for a rail station to the east of Syene Road (on the "inbound" side of the street), combined with approved plans for large-scale retail/employment development to the northeast of the site make a "Third Place" more difficult to implement than would otherwise be the case for a larger area with less intense planned development on the surrounding land.
 - c. The majority of the population of the neighborhood will be within the planned T5 apartments, and will have access to common apartment amenities, which are planned to include such things as a pool and exercise equipment. While it is not feasible for the apartment owner to take on the liability of opening such facilities to *all* neighborhood residents, apartment common areas will effectively provide a "Third Place" for all apartment residents.
3. *Mitigation strategies:* See description under #2-c above. Additionally, the civic spaces, in the form of a planned square and playground that exceed the required amount of civic space, will provide North Park Neighborhood residents with a variety of ways to interact.



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Waiver
#3

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- ☒ 3. Describe any mitigation strategies to offset the effect of the relief requested.

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FOR CITY USE ONLY

Date Received: 3/5/2014

Conditions:
Comments:

APPROVED

PH 3-18-14

1.) No other permit or approval is waived or deemed satisfied except the approval provided herein.

North Park Neighborhood Article 3 Administrative Waiver Request

Waiver #3 – Page 4 of Article 3 Document

1. *Waiver requested:* A civic building lot shall be reserved for an elementary school for up to 5 years, per 3.5.4b. The Article 3 plan proposes no reservation of an elementary school site.
2. *Reason for request:* Given the size of the site (35.2 acres) and the acreage typically required for a new elementary school, it is likely that a third or more of the site would need to be reserved for a potential future elementary school that is extremely unlikely to be needed within the given timeframe. This requirement would make the neighborhood unfeasible for development and necessitate development of the area under traditional (non-SmartCode) zoning.
3. *Mitigation strategies:* None.



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Waiver
#4

Administrative Waiver Details:

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Administrative Waiver Checklist:

- ☒ 1. Describe each specific Waiver requested, including citation of the provision from Chapter 23 SmartCode District, clearly noting what was required by the Code, what is proposed and the difference.
- ☒ 2. Describe why each Waiver is requested. Why can the current regulations not be met?
- ☒ 3. Describe any mitigation strategies to offset the effect of the relief requested.

The preceding information is considered to be the minimum information for submission, and the Zoning Administrator may require additional information for review.

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FOR CITY USE ONLY

APPROVED

Date Received: 3/5/2014

**Conditions
Comments:**

1.) No other permit or approval is waived or deemed satisfied except the approval provided herein.

PH 3-18-14

North Park Neighborhood

Article 3 Administrative Waiver Request

Waiver #4 – Page 5 of Article 3 Document

1. *Waiver requested:* To exceed the maximum block perimeter for Blocks 2 and 6 per sec. 3.7.1e. This waiver is being requested to exceed the maximum 2,050 foot block perimeter by 29 linear feet for Block 2 and by 36 linear feet for Block 6.
2. *Reason for request:* Both of these blocks remain well under the 10% buffer that is allowed by Administrative Waiver for blocks on the edge of the Community Unit. These waivers are necessary to accommodate the interior street network within the neighborhood and to allow for a reasonable configuration of T5 space for future development on blocks 2 and 6. The configuration of Block 6 is further hampered by a large single-family lot that is not under the control of the developer and by the necessity of connecting to the existing Jones Farm Drive/Lacy Road intersection.
3. *Mitigation strategies:* None.



City of Fitchburg
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SMARTCODE ADMINISTRATIVE APPROVAL APPLICATION

Location of Property:

Street Address: 2653 S. Syene Road (parcels 0609-142-8280-5 and 0609-142-8003-2)

Legal Description - (Metes & Bounds, or Lot No. And Plat):

See attached.

Administrative Approval Details:

1. Administrative Approval Application shall be submitted concurrent with a SmartCode Rezoning Application, a Regulating Plan Application or Site/Building Plan Application.
2. All documentation, including maps, text, drawings and statistical data that the applicant wishes to be considered in support of their Approval(s) should be submitted with this application.

Administrative Approval Checklist:

- ☒ 1. Describe each specific Approval requested, including citation of the provision from Chapter 23 SmartCode District, clearly noting what is required by the Code and what is being proposed.
- ☒ 2. The effect of the approval on the overall Regulating Plan and how such requested approval will meet the standards of Section 1.6.5 of Chapter 23 SmartCode District.

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Address: 2379 University Ave., Madison, WI 53726

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E-mail: svin@vierbicher.com

Address: 999 Fourier Dr., Suite 201, Madison, WI 53717

Phone No.: 608-821-3963

Respectfully Submitted By:

Suzanne M Vincent

Date: 03.28.2014

Owner's or Authorized Agent's Signature

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FOR CITY USE ONLY

Date Received: 3/31/2014

Comments: Allows for Thoroughfare ST-60-34 to use a continuous terrace planter rather than the required tree wells for non-commercial lots.

APPROVED

4-10-14

North Park Neighborhood

Article 3 Administrative Approval Request

Administrative Approval #1 – Page 5 of Article 3 Document

1. *Administrative Approval requested:* Approval under 3.7.1p for use of the ST-60-34 thoroughfare assembly with a continuous planter rather than tree wells for noncommercial lots. The streets using the ST-60-34 assembly are shown on page 5 of the Article 3 application. These areas are planned for primarily residential development.
2. *Effect of approval:* Administrative approval of this request will allow the developer to construct a right-of-way that is more appropriate to a residential setting, where there is less need for hardscape and more desire for greenspace. The proposed continuous terrace planter design meets the standards listed in section 1.6.5 of Chapter 23. Specifically, it will "advance the presence of the intended form of the development," "advance pedestrian friendly activity," and "provide for the enhancement, coordination or demarcation between the public and private realm" by establishing an attractive green terrace area that is consistent with development of a similar density elsewhere in the City and region.

LITTLE CREEK – REZONING DESCRIPTION

Being a part of the NE ¼ - NW ¼ and the SE ¼ - NW ¼ of Section 14, Township 06 North, Range 09 East, City of Fitchburg, Dane County, Wisconsin, more fully described as follows:

Commencing at the North ¼ corner of said Section 14; thence N88°02'58"W, 105.18 feet to the point of beginning, said point being a point of non-tangential curvature lying on the westerly right-of-way line of Syene Road, said road right-of-way currently being 49.5 feet wide; thence along said westerly right-of-way line for the next three (3) courses; 1-thence 458.42 feet along the arc of a curve to the left, through a central angle of 04°26'31", having a radius of 5913.20 feet, and a chord bearing S05°49'17"W, 458.30 feet to a point of compound curvature; 2-thence 241.79 feet along the arc of a curve to the left, through a central angle of 01°10'48", having a radius of 11,739.90 feet, and a chord bearing S03°00'38"W, 241.78 feet; 3-thence S02°25'14"W, 957.792 feet to the northerly line of First Addition to Tarpleywick Hills, as recorded in Volume 34 of Plats, on Page 47, as Document Number 1229080, Dane County Registry; thence N87°28'50"W along said northerly line, 181.02 feet to the easterly right-of-way line of Tarpleywick Drive; thence N02°41'40"E along said easterly right-of-way line of Tarpleywick Drive, 139.79 feet to the northeasterly corner of Tarpleywick Drive; thence N87°28'50"W along the northerly right-of-way line of Tarpleywick Drive, 66.00 feet to the northeasterly most corner of Lot 1, Certified Survey Map Number 4882, as recorded in Volume 21 of Certified Survey Maps, on Pages 314-315, as Document Number 1924822, Dane County Registry; thence N59°23'13"W along the northerly line of said Lot 1, 550.19 feet to the northerly most corner of said Lot 1; thence S30°32'49"W along the northwesterly line of said Lot 1, 239.81 feet to the westerly most corner of said Lot 1 and a point on the northerly line of said First Addition to Tarpleywick Hills; thence N59°21'05"W along said northerly line, 388.08 feet to the West line of the NE ¼ - NW ¼ of said Section 14; thence N00°34'44"E along said West line, 1275.19 feet to the North line of the NW ¼ of said Section 14; thence S88°02'58"E along said North line, 372.10 feet to the Northwest corner of Certified Survey Map Number 4154, as recorded in Volume 17 of Certified Survey Maps, on Pages 233-235, as Document Number 1790741, Dane County Registry; thence along the boundary of said Certified Survey Map Number 4154 for the next three (3) courses; 1-thence S01°57'40"W, 479.89 feet to the Southwest corner thereof; 2-thence S87°54'49"E, 200.00 feet to the Southeast corner thereof; 3-thence N01°57'40"E, 480.36 feet to the Northeast corner thereof and the North line of the NW ¼ of said Section 14; thence S88°02'58"E along said North line, 684.85 feet to the point of beginning. Said description contains 1,626,497 square feet or 37.34 acres more or less.